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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,130	07/17/2006	Masaaki Takegami	4633-0175PUS1	1803
2292 7590 06/24/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
RUBY, TRAVIS C				
ART UNIT		PAPER NUMBER		
3744				
NOTIFICATION DATE		DELIVERY MODE		
06/24/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/586,130

Applicant(s)

TAKEGAMI ET AL.

Examiner

TRAVIS RUBY

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fillo (US2157329) in view of Saunders et al (US4307775).

Re Claim 1. Fillo teaches a refrigeration system for performing a refrigeration operation in which electric systems of a plurality of refrigeration system components are supplied with electric power from a power supply (Figure 1; Column 3 lines 10-35)

a breaker connecting the plurality of refrigeration system components in parallel to the power supply (Figure 1; Column 3 lines 10-15);

a sequential startup section (ref 50) configured to, upon operation restart after the breaker trips owing to failure in one or more of the electric systems of the refrigeration system components, sequentially start up target refrigeration system components previously selected from among the refrigeration system components (Figure 1; Column 3 lines 52-68); and

teaches a failure processing section (Column 9 lines 29-52)

Fillo fails to specifically teach though a failure processing section configured to, if the breaker trips again owing to failure in one or more of the electric systems of the refrigeration system components during the sequential startup of the target refrigeration system components

through the sequential startup exclude the refrigeration system component supplied with electric power just before the occurrence of the failure from the target refrigeration system components to be started up by the sequential startup section means.

Saunders et al teaches a failure processing section configured to, if the breaker trips again owing to failure in one or more of the electric systems of the refrigeration system components during the sequential startup of the target refrigeration system components through the sequential startup exclude the refrigeration system component supplied with electric power just before the occurrence of the failure from the target refrigeration system components to be started up by the sequential startup section means (Figure 3 & 7; Column 5 lines 52-58; Column 7 lines 1-20; Column 8 lines 36-62). In view of Saunders et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the analog controller of Fillo to a digital controller since they are an art recognized equivalent in the function of controlling a refrigeration system. It would have been obvious to one of ordinary skill in the art to modify the failure processing section of Fillo to lock out the failed component as taught by Saunders in order to prevent the component from repeatedly crashing the refrigeration system, thus allowing the refrigeration system to continue to operate.

Re Claim 2. Fillo teaches a transition section configured to, when the target refrigeration system components to be started up by the sequential startup section are all normally started up, make a transition to a normal operation while holding in a halted state the refrigeration system component from the target refrigeration system components by the failure processing section (Column 10 line 60 to Column 11 line 22).

Re Claim 3 & 4. Fillo teaches a plurality of compressors (ref 22, 23, 24) and a fan (ref 4) (Figure 1, Column 3 lines 30-32; Column 4 lines 10-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add additional fans to the controller, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVIS RUBY whose telephone number is (571)270-5760. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Travis Ruby/
Examiner, Art Unit 3744

/Frantz F. Jules/
Supervisory Patent Examiner, Art Unit 3744